* HARDY MYERS
ATTORNEY GENERAL

PETER D. SHEPHERD
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

1162 Court Street NE
Justice Building
Salem, Oregon 97301-4096
Telephone: (503) 378-4400
TTY: (503) 378-5938

July 10, 2007

William Harbaugh
Department of Economics
1228 University of Oregon
Eugene, OR 97403

Re: Petition for Public Records Order
University of Oregon Records

Dear Sir:

This letter is the Attorney General's order on your petition for disclosure of public records, received on July 3, 2007, titled "public records petition 6.3." The petition pertains to a request you submitted on May 10, 2007, seeking copies of "any UO employment contracts for Vice Provost for Diversity Charles Martinez dating from his original interim appointment as VP for Diversity to the present." You acknowledge that you already have received copies of some employment contracts between Dr. Charles Martinez and the University of Oregon. The petition asks for an order requiring the University of Oregon to disclose "any other documents satisfying this request without any delay," or if the documents that you already have received "are, in fact, complete documentation of Dr[.] Martinez's duties, FTE, and compensation for the 2005-2006 and 2006-2007 AY's[1]",a statement from the University confirming as much.[2]

The Attorney General may order a state agency to disclose records only when the agency has denied a request for the records. *See* ORS 192.450(1). The University is permitted a reasonable amount of time to respond to public records requests. ATTORNEY GENERAL'S PUBLIC RECORDS AND PUBLIC MEETINGS MANUAL (2005) at 9. In light of the number and frequency of

[1] We understand "AY" to refer to "academic years."

[2] As you know, the Public Records Law does not require public bodies to answer questions, and correspondingly does not authorize the Attorney General to order a public body to provide such answers. Public Records Order, June 14, 2007, Harbaugh at 1. Consequently, your request for an order directing the University to respond to questions regarding requested records is denied.

public records requests that you have made in recent months, we do not regard the time that has elapsed as unreasonable.

Moreover, your requests for records related to Dr. Martinez's employment seem to have shifted over time, making any response difficult. As noted above, it appears that your original May 10, 2007, request sought employment contracts for "Vice Provost for Diversity Charles Martinez dating from his original interim appointment as VP for Diversity to the present." When you originally petitioned for a public records order in relation to this request, you asked the Attorney General to order disclosure of Dr. Martinez's employment contracts related to his work in the College of Education. Petition of June 11, 2007. Based on this sequence of events, the University reasonably understood that your request for information had changed. (Email from M. Grier to you on June 19, 2007, containing this understanding).[3] But this petition for an order requiring disclosure of "complete documentation" of various aspects of Dr. Martinez's employment seems more consistent with the original request than with request addressed in the petition of June 11.

Based upon all these circumstances, we conclude that the University has not denied your request and we therefore deny your petition as premature.

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

AGS19943
c: Melinda Grier

[3] The email from Ms. Grier to you on June 19, 2007, stated that, "Dr. Martinez does have a separate contract with the College of Education." Ms. Grier informs us that it should have said, "Dr. Martinez does *not* have a separate contract with the College of Education."